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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,682	09/09/2003	David W. Plank	GMI0012/U.S	2267
33/072	7590	08/13/2010	EXAMINER	
KAGAN BINDER, PLLC SUITE 200, MAPLE ISLAND BUILDING 221 MAIN STREET NORTH STILLWATER, MN 55082			WONG, LESLIE A	
ART UNIT	PAPER NUMBER		1781	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAVID W. PLANK
and DANIEL J. LEWANDOWSKI

Appeal 2009-013194
Application 10/658,682
Technology Center 1700

Before STEVEN J. BARTLETT, *Support Division 2 Manager.*

ORDER REMANDING APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on July 13, 2009. A Docketing Notice was mailed on July 22, 2009. Upon review of the application, it has been determined that a remand to the Examiner is necessary to consider the following issue and to take necessary corrective action.

REPLY BRIEF NOT CONSIDERED

A Reply Brief was filed in this application on July 24, 2009. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR § 41.43(a)(1) and MPEP § 1208, part II.

CONCLUSION

Accordingly, it is ordered that the application is remanded to the Examiner:

- 1) to consider the Reply Brief filed July 24, 2009 as indicated above;
- 2) for further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

SB/cam

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